

REMARKS

Claims 1-20 remain pending in this application. All prior grounds of rejection were withdrawn, and new grounds of rejection entered on the basis of newly cited U.S. Patent Application Publication No. 2002/0126094 to Junod et al ("Junod"). Further reconsideration of this application is requested.

35 U.S.C. 102 Rejection

The rejection of claims 1-3, 6, 13, 15-17 and 20 under 35 U.S.C. § 102(e) as being anticipated by Junod, is respectfully traversed. Claim 1 requires a radio channel sensor coupled to the radio communication unit for sensing at least one physical characteristic of the radio channel, and arranged to cause the data collection unit to enter the normal operating mode if the physical characteristic meets a pre-set threshold. Claim 15 requires a radio channel sensor coupled to the radio communication unit for sensing a change in at least one physical characteristic of the radio channel that is indicative of use of the device by a user, and arranged to cause the data collection unit to enter the normal operating mode from the low-power mode upon sensing of said change. Claim 20 requires a wireless communication channel sensor coupled to a transceiver for sensing a change in at least one physical characteristic of signals received over the wireless channel that is indicative of use of the device by a user, and arranged to cause the wireless device to enter the normal operational mode from the low-power mode upon sensing of said change.

In contradistinction, Junod discloses the use of a "hand detection" circuit with an input device such as a mouse, which senses the presence of a user's hand on the mouse by detecting a change in capacitance or inductance of a common antenna also used for transmitting/receiving RF signals. See Fig. 7. Junod discloses that a switch 130 switches a capacitor 132 and RF circuit 128 into contact with the antenna electrodes during antenna mode, and switches hand detect circuit 126 into contact with the antenna electrodes during a sleep mode. In such configuration, the antenna when used to sense the presence of a user's hand cannot be used to detect any characteristic of a radio channel, as the RF circuit would be disconnected from the antenna in this mode. This then proves that Junod does not contemplate or teach the detection of a

change in a characteristic of a radio channel to cause the entering of a normal mode of operation of a device as required by the pending claims, but to the contrary teaches the detection of the presence of a user's hand on the device.

Junod does state that an alternative embodiment could have the RF circuit permanently connected, with only the capacitor 132 being switched in and out. Junod explains however that the capacitor 132 reduces the sensitivity of the antenna to the capacitance of a hand during antenna functions, and the removal of the capacitor provides the sensitivity to the antenna to enable the hand detect circuit to function. Consequently, in such alternative embodiment, when the device is in sleep mode with the capacitor 132 switched out, the hand detection circuit 126 is operable to detect changes in capacitance of the antenna due to the presence of a user's hand, which will cause the device to be awakened from the sleep mode. In such case the RF circuit would be powered down because the device is in a sleep mode. See page 4, paragraph 52; therefore the RF circuit would not even in this alternative embodiment detect changes in a radio channel characteristic or changes in signals being transmitted over such radio channel. However even if it were assumed *arguendo* that RF circuit 128 did detect radio channel transmissions when in sleep mode (which it does not as explained above), any such changes would not be used to cause the device to exit from its sleep mode, as such is accomplished only by the hand detect circuit 126. The hand detect circuit 126 does not function to detect changes in radio channel characteristics as the hand detect circuit is not designed to detect RF transmissions.

35 U.S.C. 103 Rejections


The rejection of claims 4, 5 and 14 as being unpatentable over Junod also is traversed. Regardless of whether or not it would have been obvious to include the explicit limitations of claims 4, 5 or 14 into the Junod device, these claims would not be obvious as Junod fails to disclose the limitations of the independent claims from which claims 4, 5 and 14 depend. In any event, there is no evidence presented in the Office action from which the limitations of claims 4, 5 or 14 would be shown to have been obvious from the Junod disclosure. Withdrawal of this ground of rejection is requested.

The rejection of claims 7-12, 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Junod in view of Hinckley et al., U.S. Published Application No. 2002-0021278 ("Hinckley") also is respectfully traversed. Hinckley discloses a device having multiple sensors which sense the manner in which the device is being handled by a user. Context values developed in response to the sensor signals are then used to control the operation of one or more aspects of the device. Hinckley is simply irrelevant to Junod and irrelevant to the claimed invention. The Junod device is not disclosed as operating differently based on a manner in which it is being handled. As such, there exists no motivation for one skilled in the art to have modified Junod as proposed in the Office action. However, Hinckley further fails to cure the fundamental deficiency of Junod in disclosing the features of the claimed invention as discussed above. Therefore, even if Hinckley were to be used to modify Junod as stated in the Office action, the claimed invention still would not be achieved. Reconsideration and withdrawal of this ground of rejection is therefore requested.

Conclusion

In view of the foregoing, claims 1-20 are respectfully submitted to define patentable subject matter over the prior art of record, whether considered individually or in combination. Accordingly, favorable reconsideration and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Novak Druce Deposit Account No. 14-1437.

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